

Applicants : Wai-Kuen LUI and William Wai-Shing LUI
USSN : 10/593,701 Atty. Dkt. No. : 865-B-PCT-US
Filed : 9-19-2006 Art Unit : 3732
Examiner : Hao D. Mai Date of office action : 3-4-2008
Page : 7 Date of response : 5-14-2008

REMARKS

Claim Status

Claims 1-21 are pending in the application. Without conceding the correctness of the Examiner's position, and to expedite prosecution of the application, Applicants have canceled claims 1-21 without prejudice to Applicants' rights to pursue the canceled subject matters in a future application.

Claims 22-41 are newly added. Applicants submit no new matter has been added. Support for claim 22 can be found, *inter alia*, in originally filed claims 1, 2, 9; page 14, lines 2-9, 15-22; and Figures 2-3.

Support for claim 23 can be found, *inter alia*, in originally filed claim 3.

Support for claims 24 and 32 can be found, *inter alia*, in originally filed claim 4.

Support for claim 25 can be found, *inter alia*, in originally filed claim 5.

Support for claims 26 and 34 can be found, *inter alia*, in originally filed claim 6.

Support for claims 27 and 38 can be found, *inter alia*, in originally filed claim 8.

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Support for claims 28-30 and 39-41 can be found, *inter alia*, in originally filed claims 18, 19 and 21.

Support for claim 31 can be found, *inter alia*, in originally filed claim 11; page 14, lines 2-9, 15-22; and Figures 2-3.

Support for claim 33 can be found, *inter alia*, on page 14, lines 2-9.

Support for claim 35 can be found, *inter alia*, on page 16, line 27 to page 17, line 3; and Figure 2C.

Support for claims 36 and 37 can be found, *inter alia*, in originally filed claims 14-15.

Interview Summary

Applicants' attorney had a telephonic interview with Examiners Hao Mai and John Wilson on April 2, 2008. Claim 1 and the meaning of pliability as stated in the specification were discussed. No agreement with respect to the claims was reached, and further consideration and/or search will be conducted after the filing of amended claims.

Rejection Under 35 U.S.C. §102(b)

Claims 1-4, 7-8, 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Preciutti (U.S. Pat. No. 4,920,992). The rejection is respectfully traversed.

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Claim 22 recites "a flexible means between the teeth-cleaning means and the handling means, wherein the flexible means is integral with the teeth-cleaning means and the handling means, and the flexible means is pliable so that it can be bent about 90 degrees to the right or to the left". Claim 31 recites "a flexible elbow between the cleaning head and the elongated handle, wherein the flexible elbow is integral with the cleaning head and the elongated handle, and the flexible elbow is pliable so that it can be bent about 90 degrees to the right or to the left" (see e.g. page 14, lines 2-9, 15-22; and Figures 2-3).

In contrast, Preciutti does not teach a flexible elbow which is integral with the rest of the apparatus as claimed herein. Instead, Preciutti only teaches a removable yoke (Figure 1) that fits into an opening at one end of a dental flossing apparatus (see Figure 3). Since Preciutti does not teach a pliable elbow which is integral with the rest of the apparatus as claimed herein, Preciutti does not anticipate the present invention.

Rejection Under 35 U.S.C. §102(b)

Claims 1-2, 7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Halm (U.S. Pat. No. 5,052,071). The rejection is respectfully traversed.

Claims 22 and 31 have been discussed above. More specifically, the present invention teaches an apparatus comprising a pliable elbow that can be bent about 90 degrees to the right or to the

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left (see e.g. Figures 2 and 11). In contrast, Halm teaches a toothbrush comprising a plurality of transverse S-shaped folds (column 2, lines 28-33) that would only enable "the head-carrying portion 20 to move a **short** distance at an angle to the grip portion" (column 2, lines 50-52, emphasis added). It is clear that the flexible region as taught in Halm cannot be bent about 90 degrees to the right or to the left as claimed herein. Since Halm does not teach each and every aspect of the invention as claimed herein, Halm does not anticipate the present invention.

Rejection Under 35 U.S.C. §103(a)

Claims 3-6 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halm (U.S. Pat. No. 5,052,071) in view of Neves (U.S. Pat. No. 6,102,051). The rejection is respectfully traversed.

Claims 22 and 31 have been discussed above. As discussed above, Halm teaches a toothbrush having a flexible zone in the handle that would allow the head portion of the toothbrush to move a short distance at an angle to the grip portion during usage. The Examiner cites Neves to provide teaching for a dental hygiene apparatus comprising a tapered portion.

Applicants submit that the present invention is not obvious in view of the cited references because the combination of the cited references fails to teach or suggest each and every aspect of the present invention. More specifically, the cited references in combination fail to teach or suggest an apparatus

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comprising a "flexible elbow [which] is pliable so that it can be bent about 90 degrees to the right or to the left" as claimed herein.

Rejection Under 35 U.S.C. §103(a)

Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Preciutti (U.S. Pat. No. 4,920,992) in view of Gordon (U.S. Pat. No. 5,184,719). The rejection is respectfully traversed.

Claims 22 and 31 have been discussed above. As discussed above, Preciutti teaches a dental flossing apparatus comprising a removable yoke member. The Examiner cites Gordon to provide teaching for guarding means that prevent users from using the apparatus.

Applicants submit that the present invention is not obvious in view of the cited references because the combination of the cited references fails to teach or suggest each and every aspect of the present invention. More specifically, the cited references in combination fail to teach or suggest an apparatus comprising "a flexible elbow between the cleaning head and the elongated handle, wherein the flexible elbow is integral with the cleaning head and the elongated handle, and the flexible elbow is pliable so that it can be bent about 90 degrees to the right or to the left" as claimed herein.

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CONCLUSION

Applicants respectfully maintain that all the grounds of rejections raised in the March 4, 2008 Office Action have been addressed and earnestly urge the Examiner to render favorable action for the claimed invention.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai Kit Chan

Albert Wai-Kit Chan
Registration No. 36,479
Attorney for Applicants
Law Offices of
Albert Wai-Kit Chan, PLLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, New York 11357
Tel: (718) 799-1000
Fax: (718) 357-8615
E-mail: chank@kitchanlaw.com